

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**UNITED STATES OF AMERICA**

**V.**

**MATTHEW EZEKIEL STAGER**

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§

**NO. A-19-CR-063 (01) LY**

**AGREED RECOMMENDED DISPOSITION IN FINAL REVOCATION PROCEEDING  
AND WAIVER OF DEFENDANT’S APPEARANCE AND WAIVER OF HEARING**

NOW COMES Defendant MATTHEW EZEKIEL STAGER, through his undersigned counsel, and files this agreed recommended disposition and waiver of appearance, showing the Court as follows:

Mr. Stager is before the Court on a Petition for Warrant for Offender Under Supervision, dated February 2, 2021. Doc. No. 6. The petition alleges a violation of Standard Condition No. 7: “The defendant shall ... not possess, use ... any controlled substance ... except as prescribed by a physician.” *Id.*

On February 22, 2021, Mr. Stager waived a preliminary hearing in this matter. Doc. No. 17. Undersigned counsel certifies that he has reviewed the Petition and the Amended Adjustment respectively dated February 2, 2021, and February 8, 2021, with Mr. Stager. Doc. Nos. 6 & 13. After review of both documents, Mr. Stager wishes to plead true to the alleged violations in the Petition. He has no objections to the Adjustment Summary.

Mr. Stager was advised by undersigned counsel of his right to be physically present for a final revocation hearing, his right to counsel, his right to disclosure of the evidence against him, and his right to make a statement and present mitigating information. Rule 32.1(b) (2) of the Federal Rules of Criminal Procedure permits a defendant to waive his revocation hearing. After

consultation with counsel, Mr. Stager wishes to waive his right to be present at his revocation hearing and wishes to waive the hearing. He instead asks the Court to accept his plea of true to the alleged violations and find that the proposed agreed resolution of the case would be an appropriate disposition.

Rule 32.1(c) provides that a hearing is not required in a revocation proceeding if (A) the person waives the hearing; or (B) the relief sought is favorable to the person and does not extend the term of supervised release; and (C) an attorney for the government has received notice of the relief sought, has had reasonable opportunity to object, and has not done so. The parties have conferred in this case and agreed that an appropriate resolution of this matter would be to accept Mr. Stager's plea of true to the alleged violations, revoke Mr. Stager's term of supervised release, sentence Mr. Stager to 4 months, and find that no supervised release should follow. The parties further agree that the 4-month term of imprisonment in this case be imposed to run concurrently with the 4-month term of imprisonment imposed for violating the term of supervised release in A-12-CR-350-LY. This disposition is favorable to Mr. Stager and the Government joins with Mr. Stager in asking the Court to accept it.

WHEREFORE, premises considered, Mr. Stager asks the Court to accept his waiver of appearance at his final revocation hearing, waive the hearing, accept his plea of true to the violations alleged in the Petition dated February 2, 2021, and enter an order revoking his term of supervised release and sentence him to 4 months to run concurrently with the 4 month revocation sentence imposed in A-12-CR-350-LY, with no supervised release to follow.

Respectfully submitted.

MAUREEN SCOTT FRANCO  
Federal Public Defender

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/s/ JOSE I. GONZALEZ-FALLA  
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*Attorney for Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 24th day of February 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Mark Marshall  
Assistant U.S. Attorney  
903 San Jacinto, Ste. 334  
Austin, TX 78701

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/s/ JOSE I. GONZALEZ-FALLA